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TOLEDO AREA**

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February 18, 2010

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Blue Creek Conservation Area  
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Oak Openings Preserve  
Secor  
Swan Creek Preserve  
Wildwood Preserve  
University/Parks Trail  
Wabash Cannonball Trail  
Toledo Botanical Garden

Ms. Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D. C. 20423

Re: STB Docket No. AB-55 (Sub-No. 696X), CSX Transportation Inc.-  
Abandonment Exemption-in Lucas County, OH

Dear Ms. Brown:

This comment is filed on behalf of the Metroparks of the Toledo Area, which is an Ohio political subdivision (government entity established under Section 1545 of the Ohio Revised Code) interested in natural resource conservation, education and recreation, including the establishment of pedestrian and inter-modal corridors, hereinafter referred to as "Commenter." Pursuant to 49 C.F.R. 1002.2(e)(1), Commenter as a state government entity requests waiver of the fee for filing this request for a Public Use Condition and Notice of Interim Trail Use.

Commenter requests imposition of a Public Use Condition and issuance of a Notice of Interim Trail Use for CSX Transportation, Inc.'s ("CSXT") 4.15-mile rail line on its Northern Region, Chicago Division, Toledo Terminal Subdivision, between Temperance (Milepost CTT 5.0) and Vulcan (Milepost CTT 9.15).

#### A. Public Use Condition

Commenter requests the Surface Transportation Board (the "Board") to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties, signal equipment, and other related equipment, except for public use on reasonable terms. The justification for this condition is that this section of corridor provides numerous intermodal transportation benefits, including utilization as a pedestrian and bicycle corridor. This corridor would connect with the existing University Parks Trail (a rail with trail corridor), the University of Toledo Main Campus, Ottawa Park, and Bowman Park. It would create an alternative transportation corridor for University of Toledo students and employees, as well as becoming an important recreational asset for the City of Toledo and the Toledo Metroparks system. The time period sought is 180 days

from the effective date of the abandonment authorization. Commenter needs this much time so that we can assemble and review title information, survey information, and environmental reports, and finalize negotiations with CSXT.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

#### B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

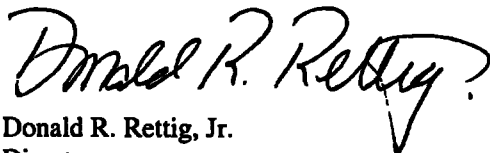
#### STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 16 U.S.C. § 1247(d), and 49 C.F.R. §1152.29, Metroparks of the Toledo Area is willing to thereupon assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by CSX Transportation Inc. and operated by CSX Transportation Inc. The property, known as the Northern Region, Chicago Division, Toledo Terminal Subdivision, extends from railroad milepost CTT 5.0 near Temperance, to railroad milepost CTT 9.15, near Vulcan, a distance of 4.15 miles in Lucas County, OH. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-55 (Sub-No. 696X).

A map of the property depicting the right-of-way is attached.

The Metroparks of the Toledo Area acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on CSXT on the same date it is being served on the Board.

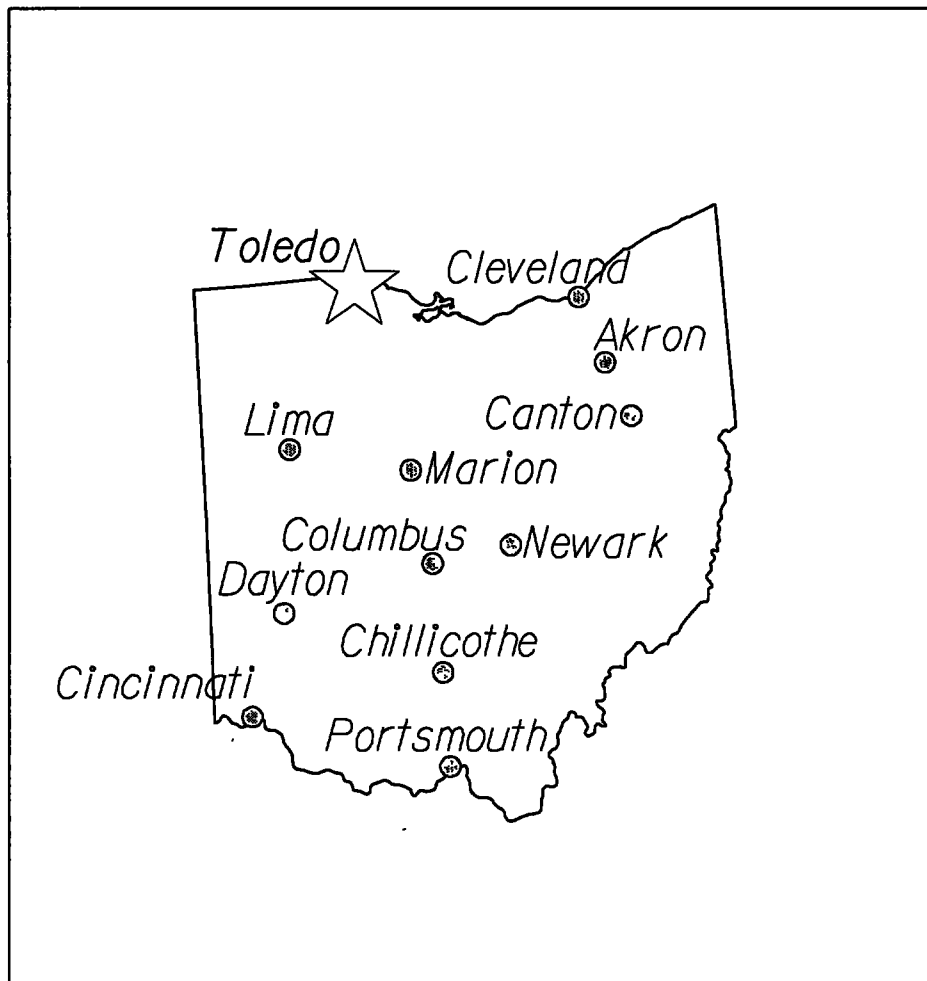
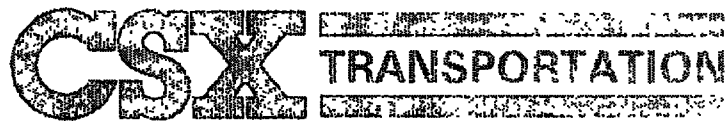
Respectfully submitted,



Donald R. Rettig, Jr.  
Director  
Metropolitan Park District of the Toledo Area

Cc: CSX Transportation, Inc.  
The Trust for Public Land  
Toledo Metropolitan Council of Governments  
University of Toledo  
Ohio Department of Transportation, District 2

ATTACHMENT-MAP



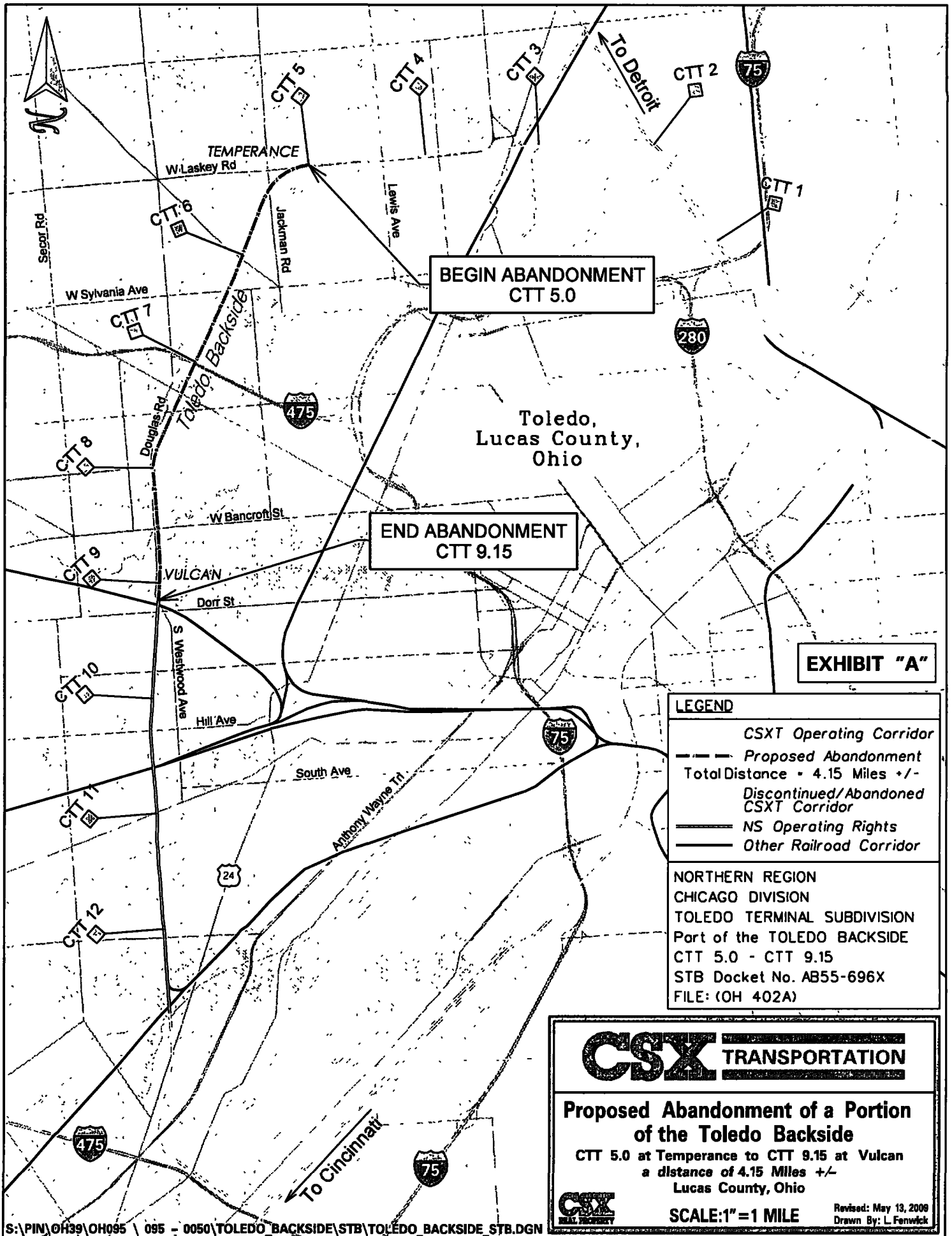
Toledo, OH

### AREA MAP

#### - Proposed Abandonment -

A Portion of the Toledo Backside  
from CTT 5.0 at Temperance to CTT 9.15 at Vulcan.  
a Distance of 4.15 miles +/-.

City of Toledo, Lucas County, Ohio



**BEGIN ABANDONMENT  
CTT 5.0**

**END ABANDONMENT  
CTT 9.15**

**EXHIBIT "A"**

**LEGEND**

- CSXT Operating Corridor
- Proposed Abandonment
- Total Distance - 4.15 Miles +/-
- Discontinued/Abandoned CSXT Corridor
- NS Operating Rights
- Other Railroad Corridor

NORTHERN REGION  
CHICAGO DIVISION  
TOLEDO TERMINAL SUBDIVISION  
Port of the TOLEDO BACKSIDE  
CTT 5.0 - CTT 9.15  
STB Docket No. AB55-696X  
FILE: (OH 402A)

**CSX TRANSPORTATION**

**Proposed Abandonment of a Portion  
of the Toledo Backside**  
CTT 5.0 at Temperance to CTT 9.15 at Vulcan  
a distance of 4.15 Miles +/-  
Lucas County, Ohio

**CSX**

**SCALE: 1"=1 MILE**

Revised: May 13, 2009  
Drawn By: L. Fenwick